

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO 20631 of 2004

Between:

The Girijana Labour Contract Co-operative Society Limited, Diguvametta,
Giddalur Taluk, Prakasam District.
Rep. by its President K. Arja Naik.

..... PETITIONER

AND

1 The Managing Director/General Manager, Girijana Cooperative

Corporation Limited, Visakhapatnam.

2 The Divisional Manager, Srisailam Division, Girijana Co-op

Corporation Limited, Kurnool District.

3 The Divisional Manager, Paderu Division, Girijana Co-op

Corporation Limited, Vishakapatnam.

4 The Divisional Manager, Tirupathi Division, Girijana Co-op

Corporation Limited, Tirupathi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents insisting Earnest Money Deposit/Security Deposit at the time of acceptance of tenders-cum-auction for the sale of stocks of Green Amla Fruits at different places is illegal, arbitrary and violation of G.O.s. and Judgments of this Hon'ble Court and consequently direct the respondents not to insist Earnest Money Deposit/Security Deposit at the time of acceptance of tender-cum-auction of sale of Green Amla Fruits at different places within the jurisdiction of the respondent authorities.

Counsel for the Petitioner: MR.KOONA REDDY ANJI REDDY

Counsel for the Respondents: MR.N.SRIDHAR REDDY

The Court at the stage of admission made the following:

HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO. 20631 of 2004

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ORDER:

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Petitioner is the Girijana Labour Contract Co-operative Society of Prakasam District. The petitioner-society is proposing to undertake works in various other Districts. The petitioner-society is contending that since it is a Girijana Labour Contract Co-operative Society, it is exempted from earnest money deposit in respect of the contract works not exceeding Rs.20 lakhs by virtue of G.O.Ms.No.52 dated 18.03.2000 of the Transport, Roads and Buildings (B.III) Department. The petitioner contends that the respondents issued tender notice No.1641/2004 M-1 dated 07.10.2004 calling for tenders on or before 30.10.2004. The petitioner-society filed tender application. The grievance of the petitioner-society is that the respondents are insisting on earnest money deposit disregarding the G.O.Ms.No.52 dated 18.03.2000.

2. In the light of the submissions, I find sufficient force in the contention of the petitioner-society regarding the application of G.O.Ms.No.52 dated 18.03.2000 to the petitioner-society. A judgment was rendered by this Court in W.P.No.24669 of 2003 dated 24.11.2003 filed by the petitioner-society.

3. Having regard to the above circumstances, the respondents are directed to pass appropriate orders regarding the exemption of earnest money deposit in the light of G.O.Ms.No.52 dated 18.03.2000 and in the light of the judgment of this Court dated 24.11.2003 in W.P.No.24669 of 2003.

4. The writ petition is accordingly disposed of.

November 9, 2004.

Note:

Wire at party's costs.

B/o.

KVR

To

1 The Managing Director/General Manager, Girijana Cooperative
Corporation Limited, Visakhapatnam.

2 The Divisional Manager, Srisailam Division, Girijana Co-op
Corporation Limited, Kurnool District.

3 The Divisional Manager, Paderu Division, Girijana Co-op
Corporation Limited, Vishakapatnam.

4 The Divisional Manager, Tirupathi Division, Girijana Co-op
Corporation Limited, Tirupathi.

5 Two C.D. Copies.